

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>PWO-18019</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/JP99/01806</b>	International filing date (day/month/year) <b>05/04/1999</b>	Priority date (day/month/year) <b>06/04/1998</b>
International Patent Classification (IPC) or national classification and IPC <b>A61K31/415</b>		
Applicant <b>FUJISAWA PHARMACEUTICAL CO., LTD. et al.</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☐ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  <b>22/10/1999</b>	Date of completion of this report  <b>19.07.2000</b>
Name and mailing address of the international preliminary examining authority:   <b>European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465</b>	Authorized officer  <b>Engl, B</b>  Telephone No. <b>+49 89 2399 8283</b>  

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**I. Basis of the report**

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

**Description, pages:**

1-43 as originally filed

**Claims, No.:**

1-10 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☒ the entire international application.  
☐ claims Nos. .

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

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- ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

**see separate sheet**

- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☐ no international search report has been established for the said claims Nos. .

**Concerning Section III:**

The expressions "compound possessing an inhibitory activity on the production of nitric oxide" and "increasing an effect caused by IL-2 inhibitor" are not suitable to identify the compounds and effects envisaged, respectively. Firstly, the circumstances and conditions under which the compounds are supposed to inhibit the production of nitric oxide are not given. Secondly, it is not possible to ascertain whether the increase of an effect caused by IL-2 inhibitor relates to the treatment of a disease and if so, which diseases are intended to be treated. Therefore, the subject-matter for which protection is sought is completely unclear and also lacks support in description (Article 6 PCT) since the compounds which have actually been tested as to their desired activity appear to be compounds (a) to (g) depicted on pages 33 and 34.

Therefore, the claims could not be examined, in particular since a complete search could not be done (Rule 66.1 (e) PCT).